

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

JAMES AVERY RUSH, IV

Plaintiff,

v.

Civil Action No. 2-03CV-0140J

NATIONAL BOARD OF MEDICAL  
EXAMINERS,

Defendant.

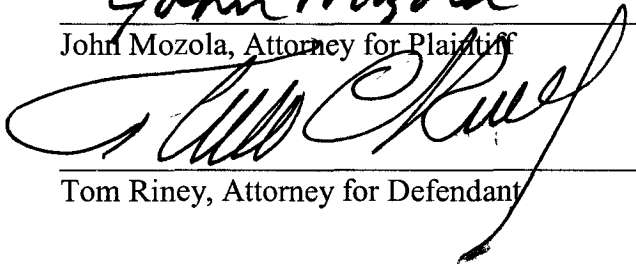
**STIPULATION ON ATTORNEY'S FEES**

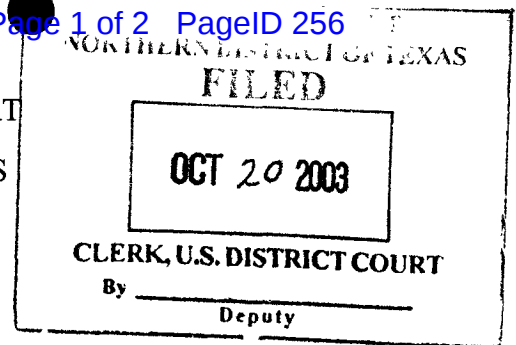
The parties, by the signatures of their attorneys below, agree to the following stipulation:

If the Court determines in the case described above that a judgment should be entered in favor of Plaintiff, the parties agree that the issue of the reasonableness of attorney's fees to be awarded Plaintiff shall be determined by the Court rather than the jury. The parties further agree that the facts relevant to the issue may be presented to the Court by affidavit testimony unless the Court requests live testimony. The parties will designate experts on attorneys' fees, if they choose to do so, by the times set in the pre-trial scheduling report, but the experts' reports will be in form of the affidavits referred to above, to be submitted after trial.


AGREED TO:

  
John Mozola, Attorney for Plaintiff

  
Tom Riney, Attorney for Defendant



APPROVED:

  
UNITED STATES DISTRICT JUDGE PRESIDING

SIGNED: October 20, 2003, 2003.